UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,770	09/30/2003	Barrett Morris Kreiner	60027.5125US01/030265	4441

7590   06/26/2008

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EXAMINER
WONG, ALLEN C

ART UNIT	PAPER NUMBER
2621	

MAIL DATE	DELIVERY MODE
06/26/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 April 2008*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-20* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☒ The drawing(s) filed on *30 September 2003* is/are: a)☒ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date *4/28/08*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/28/08 has been entered.

Response to Arguments

2.   Applicant's arguments filed 4/28/08 have been fully considered but they are not persuasive.

Regarding lines 1-4 on page 8 of applicant's remarks, applicant states that Basir fails to teach or suggest "that when the eccentric event signal is received, the contents of the volatile memory are transferred to the non-volatile memory to provide time-delayed video data, the time delayed video data preceding an event that causes transfer of the contents of the volatile memory to the non-volatile memory." The examiner respectfully disagrees. The claims do not mention the specifics of the aforementioned limitations.

Regarding line 18 on page 8 to line 2 on page 9 of applicant's remarks, applicant states that Basir does not disclose transferring contents of a loop buffer to memory when an event satisfies a rule where the contents provide time-delayed video data preceding the event that satisfies a rule of the set of rules that causes transfer of the

contents of the loop buffer to the memory. The examiner respectfully disagrees. In paragraphs 0040-0041, Basir discloses that the occurrence of the "eccentric event" is the "rule" used for determining whether the contents of the loop buffer should be transferred to provide the video data preceding the event, when the "eccentric event" is triggered, then the "rule" is satisfied for initiating the transfer of the contents of the loop buffer to the memory. Thus, Basir discloses transferring contents of a loop buffer to memory when an event satisfies a rule where the contents provide time-delayed video data preceding the event that satisfies a rule of the set of rules that causes transfer of the contents of the loop buffer to the memory.

Regarding lines 6-8 on page 9 of applicant's remarks, applicant states that Basir fails to teach transferring the contents of the volatile memory to the non-volatile memory when the eccentric event signal is received. The examiner respectfully disagrees. The claims do not mention the specifics of the aforementioned limitations. In paragraphs 0040-0041, Basir discloses that the occurrence of the "eccentric event" is the "rule" used for determining whether the contents of the loop buffer should be transferred to provide the video data preceding the event, when the "eccentric event" is triggered, then the "rule" is satisfied for initiating the transfer of the contents of the loop buffer to the memory. Thus, Basir discloses transferring contents of a loop buffer to memory when an event satisfies a rule where the contents provide time-delayed video data preceding the event that satisfies a rule of the set of rules that causes transfer of the contents of the loop buffer to the memory.

Regarding lines 9-11 on page 9 of applicant's remarks, applicant states that Basir fails to teach the time-delayed video data is tagged with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory. The examiner respectfully disagrees. In paragraphs 0031-0032, Basir discloses that the non-visual vehicle and occupant data, as discussed in paragraphs 0034, 0038-0039 are stored as the event data, and the captured event video data is noted, recorded and thus stamped in synchronism with the non-visual vehicle and occupant data in that the video capture module utilizes "stamps" for flagging or tagging the preceding captured video data with metadata, from paragraphs 0034 & 0038-0039, that describes the "rule" or occurrence of the eccentric event for causing the transference of the contents of the circular or loop buffer. Thus, Basir discloses the time-delayed video data is tagged with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory.

Regarding lines 12-15 on page 9 of applicant's remarks, applicant states that Basir fails to teach "the video data is tagged with metadata… to be copied from the volatile memory to the non-volatile memory". The examiner respectfully disagrees. The claims do not mention the specifics of the aforementioned limitations. In paragraphs 0031-0032, Basir discloses that the non-visual vehicle and occupant data, as discussed in paragraphs 0034, 0038-0039 are stored as the event data, and the captured event video data is noted, recorded and thus stamped in synchronism with the non-visual vehicle and occupant data in that the video capture module utilizes "stamps" for flagging or tagging the preceding captured video data with metadata, from paragraphs 0034 &

0038-0039, that describes the "rule" or occurrence of the eccentric event for causing the transference of the contents of the circular or loop buffer. Thus, Basir discloses the time-delayed video data is tagged with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory.

The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art to combine the teachings of Parnian and Basir, as a whole, for permitting the accurately capture the video data and conditions, as obtained by various sensors, of the event and maintain a complete record of the vehicle and its occupants prior to the event, as suggested by Basir's paragraph 0011.

Dependent claims 2-11 are rejected for at least similar reasons as stated above and in the rejection below for claim 1.

Regarding lines 5-9 on page 11 of applicant's remarks, applicant asserts that Basir does not disclose that when the eccentric event signal is received, transferring the contents of the volatile memory to the non-volatile memory to provide video data that precedes an event that satisfies a rule of a set of rules that causes transfer of the contents of the volatile memory to the non-volatile memory. The examiner respectfully disagrees. The claims do not mention the specifics of the aforementioned limitations.

In paragraphs 0040-0041, Basir discloses that the occurrence of the "eccentric event" is the "rule" used for determining whether the contents of the loop buffer should be transferred to provide the video data preceding the event, when the "eccentric event" is triggered, then the "rule" is satisfied for initiating the transfer of the contents of the loop buffer to the memory. Thus, Basir discloses transferring contents of a loop buffer to memory when an event satisfies a rule where the contents provide time-delayed video data preceding the event that satisfies a rule of the set of rules that causes transfer of the contents of the loop buffer to the memory.

Regarding lines 13-15 on page 11 of applicant's remarks, applicant states that Basir does not disclose tagging the preceding video data with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory. The examiner respectfully disagrees. In paragraphs 0031-0032, Basir discloses that the non-visual vehicle and occupant data, as discussed in paragraphs 0034, 0038-0039 are stored as the event data, and the captured event video data is noted, recorded and thus stamped in synchronism with the non-visual vehicle and occupant data in that the video capture module utilizes "stamps" for flagging or tagging the preceding captured video data with metadata, from paragraphs 0034 & 0038-0039, that describes the "rule" or occurrence of the eccentric event for causing the transference of the contents of the circular or loop buffer. Thus, Basir discloses the time-delayed video data is tagged with metadata describing the rule that caused the contents of the loop buffer to be transferred to the memory.

The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See In re Fine, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and In re Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art to combine the teachings of Parnian and Basir, as a whole, for permitting the accurately capture the video data and conditions, as obtained by various sensors, of the event and maintain a complete record of the vehicle and its occupants prior to the event, as suggested by Basir's paragraph 0011.

Regarding lines 16-19 on page 11 of applicant's remarks, applicant states that Basir fails to disclose tagging the video data with metadata describing the rule that caused the video data to be copied from the volatile memory to the non-volatile memory. The examiner respectfully disagrees. The claims do not mention the specifics of the aforementioned limitations. In paragraphs 0031-0032, Basir discloses that the non-visual vehicle and occupant data, as discussed in paragraphs 0034, 0038-0039 are stored as the event data, and the captured event video data is noted, recorded and thus stamped in synchronism with the non-visual vehicle and occupant data in that the video capture module utilizes "stamps" for flagging or tagging the preceding captured video data with metadata, from paragraphs 0034 & 0038-0039, that describes the "rule" or occurrence of the eccentric event for causing the transference of the contents of the circular or loop buffer. Thus, Basir discloses the time-delayed video data is tagged with

metadata describing the rule that caused the contents of the loop buffer to be

transferred to the memory.

Dependent claims 13-20 are rejected for at least similar reasons as stated above

and in the rejection below for claim 12.

Regarding lines 4-9 on page 12 of applicant's remarks, applicant asserts that the

double patenting rejection be withdrawn because Basir is not filed by the same inventive

entity. The examiner respectfully disagrees. The use of Basir is considered valid and

proper for the double patenting rejection as set forth below, since Basir is applied as a

secondary reference with application 10/674,995 to reject the instant application under

obvious-type double patenting, and that Basir is utilized only a secondary reference and

it does not need to be filed by the same inventive entity. MPEP 804[R-5] (11) (1) recites

"A double patenting rejection of the obviousness-type, if not based on an anticipation

rationale, is "analogous to [a failure to meet] the nonobviousness requirement of 35

U.S.C. 103" except that the patent principally underlying the double patenting rejection

is not considered prior art. In re Braithwaite, 379 F.2d 594, 154 USPQ 29 (CCPA1967).

Therefore, the analysis employed in an obviousness- type double patenting rejection

parallels the guidelines for analysis of a 35 U.S.C. 103 obviousness determination. In re

Braat, 937 F.2d 589, 19 USPQ2d 1289 (Fed. Cir. 1991); In re Longi, 759 F.2d 887, 225

USPQ 645 (Fed. Cir. 1985)." A terminal disclaimer is recommended to overcome the

double patenting rejection.

Thus, the rejection is maintained.

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

2.   Claims 1-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Parnian (6,538,623) in view of Basir (US 2003/0154009).

        Regarding claims 1 and 12, Parnian discloses a method and a video recorder,

comprising:

        a processor communicating with memory, the memory for storing video data of

an event captured by a camera, the video data comprising a series of picture frames

(col.9, ln.7-19, note in fig.2 the use of a CPU for processing data and communicating

with memory stored in element 22, 51 and 52, and video data is captured by video

camera 35a);

        a buffer also storing video data of the event captured by the camera (fig.2,

element 65 and col.12, ln.26-34; Parnian discloses element 65 is a video memory that

takes the video image data directly from the video camera 35a via the video connection

65a); and

        wherein the video recorder utilizes the buffer to provide video data preceding the

event (col.11, ln.49-57 and col.12, ln.26-34, Parnian discloses element 65 is a video

memory that takes the video image data directly from the video camera 35a via the

video connection 65a, wherein the video data obtained by the camera can be viewed

and displayed onto element 25 for viewing; col.14, ln.5-10, Parnian discloses that video

data can be remotely viewed on a display monitor).

Parnian does not specifically disclose the term "loop buffer" in that the "loop

buffer" storing the video data for a predetermined duration of time, after which the video

data is transferred or discarded; a set of rules stored in the memory, the set of rules

determining when to transfer the contents of the loop buffer into the memory; when the

processor determines that the event does not satisfy the set of rules, then the processor

discards the contents of the loop buffer; when the processor determines that the event

satisfies a rule of the set of rules, then the processor transfers the contents of the loop

buffer to the memory to provide time-delayed video data, the time-delayed video data

preceding the event that satisfies a rule of the set of rules that causes transfer of the

contents of the loop buffer to the memory; and the processor tags the time-delayed

video data with metadata describing the role that caused the contents of the loop buffer

to be transferred to the memory. However, Basir discloses the use of a loop buffer that

stores the video data for a predetermined duration of time, after which the video data is

transferred or discarded (paragraph 0030, Basir discloses the use of a circular buffer or

a loop buffer for storing video data for circuitously recording the latest video data by

overwriting the oldest data, thus, data is stored for a predetermined period of time after

which the data is transferred or discarded); a set of rules stored in the memory, the set

of rules determining when to transfer the contents of the loop buffer into the memory

(paragraph 0037-0038, Basir discloses that vehicular events and statistics are captured

by the data capture module for storing a set of rules or conditions so as to permit for

later retrieval of the captured data by later transferring the contents of the loop buffer);

when the processor determines that the event does not satisfy the set of rules, then the

processor discards the contents of the loop buffer (paragraph 0036, Basir discloses that

the occurrence of the "eccentric event" is the "rule" used for determining whether the

contents of the loop buffer should be transferred to provide the video data preceding the

event, so the converse is true, if the "rules" do not satisfy the conditions set out, ie.

unsatisfied, then the data is temporarily stored in the circular or loop buffer, meaning

that the oldest contents data is replaced or discarded with the newest data recorded

onto the circular or loop buffer); when the processor determines that the event satisfies

a rule of the set of rules, then the processor transfers the contents of the loop buffer to

the memory to provide time-delayed video data, the time-delayed video data preceding

the event that satisfies a rule of the set of rules that causes transfer of the contents of

the loop buffer to the memory (paragraph 0040-0041, Basir discloses that the

occurrence of the "eccentric event" is the "rule" used for determining whether the

contents of the loop buffer should be transferred to provide the video data preceding the

event, when the "eccentric event" is triggered, then the "rule" is satisfied); and the

processor tags the time-delayed video data with metadata describing the rule that

caused the contents of the loop buffer to be transferred to the memory (paragraph

0031-0032, Basir discloses that the non-visual vehicle and occupant data, as discussed

in paragraph 0034, 0038-0039 are stored as the event data, and the captured event

video data is noted, recorded and thus stamped in synchronism with the non-visual

vehicle and occupant data in that the video capture module utilizes "stamps" for flagging or tagging the preceding captured video data with metadata, from paragraph 0034 & 0038-0039, that describes the "rule" or occurrence of the eccentric event for causing the transference of the contents of the circular or loop buffer).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Parnian and Basir, as a whole, for permitting the accurately capture the video data and conditions, as obtained by various sensors, of the event and maintain a complete record of the vehicle and its occupants prior to the event (Basir paragraph 0011).

Regarding claims 2 and 13, Parnian discloses wherein the memory comprises a mass-storage device, the mass storage device storing the video data of the event (col.11, ln. 1-6, fig.2, element 51 and 52 are used for storing video data onto mass-storage device; col.12, ln.31-34, removable magnetic disc drives can be used for mass storage for storing video data).

Regarding claims 3 and 14, Parnian discloses wherein the memory comprises an optical storage device (col.11, ln.1-6, fig.2, element 51 and 52 are used for storing video data onto mass-storage device, in that element 51 is can be a CD drive and element 52 can be a floppy disc drive; col.12, ln.31-34, removable optical magnetic disc drives can be used for mass storage for storing video data).

Regarding claim 4, Parnian discloses wherein the memory comprises a memory card (col.12, ln.34-51, element 53 is a memory flash card).

Regarding claims 5 and 15, Parnian discloses wherein the memory comprises a
flash memory storage device (col.12, ln.34-51, element 53 is a flash card or flash
memory storage device).

Regarding claims 6 and 16, Parnian discloses further comprising an interface to
a communications network (col.13, ln.62 to col.14, ln.10, element 90 is a wireless
communication module for connecting to a communication network so as to
communicate with a remote base station).

Regarding claim 7, Parnian does not specifically disclose wherein the set of rules
specifies vehicular data that causes a transfer of the contents of the loop buffer into the
memory devices memory. However, Basir discloses wherein the set of rules specifies
vehicular data that causes the transfer of the contents of the loop buffer into the
memory devices memory (paragraph 0037-0038, Basir discloses that vehicular events
and statistics are captured by the data capture module for storing a set of rules or
conditions so as to permit for later retrieval of the captured data by later transferring the
contents of the loop buffer). Therefore, it would have been obvious to one of ordinary
skill in the art to combine the teachings of Parnian and Basir, as a whole, for permitting
the accurately capture the video data and conditions, as obtained by various sensors, of
the event and maintain a complete record of the vehicle and its occupants prior to the
event (Basir paragraph 0011).

Regarding claims 8 and 17, Parnian does not specifically disclose a switch to
transfer the contents of the loop buffer into the memory. However, Basir teaches the
transfer of the contents of the loop buffer into the memory (paragraph 0040-0041, Basir

discloses that the user trigger to trigger the transfer of the contents of the loop buffer).

Therefore, it would have been obvious to one of ordinary skill in the art to combine the

teachings of Parnian and Basir, as a whole, for permitting the accurately capture the

video data and conditions, as obtained by various sensors, of the event and maintain a

complete record of the vehicle and its occupants prior to the event (Basir paragraph

0011).

Regarding claim 9, Parnian discloses the storage of audio data of the event

captured by a microphone (col.15, ln.1-5, element 103 of fig.3 is the audio database for

storing audio data captured by microphone, as disclosed in col.10, ln.58). Parnian does

not specifically disclose the term "loop buffer". However, Basir teaches the use of the

loop buffer (paragraph 0045, Basir discloses the use of a circular buffer or a loop buffer

for storing audio data for circuitously recording the latest audio data by overwriting the

oldest data). Therefore, it would have been obvious to one of ordinary skill in the art to

combine the teachings of Parnian and Basir, as a whole, for permitting the accurately

capture the audio/video data and conditions, as obtained by various sensors, of the

event and maintain a complete record of the vehicle and its occupants prior to the event

(Basir paragraph 0011).

Regarding claims 10 and 19, Parnian does not specifically disclose further

comprising an interface with a vehicle controller to transfer the contents of the loop

buffer into the memory. However, Basir teaches the interface with the vehicle controller

to transfer the contents of the loop buffer into the memory (paragraph 0040-0041, Basir

discloses that the occurrence of the "eccentric event" is the "rule" used for determining

whether the contents of the loop buffer should be transferred to provide the video data preceding the event, when the "eccentric event" is triggered, then the "rule" is satisfied, so the data contents of the loop buffer is transferred into memory). Therefore, it would have been obvious to one of ordinary skill in the art to combine the teachings of Parnian and Basir, as a whole, for permitting the accurately capture the video data and conditions, as obtained by various sensors, of the event and maintain a complete record of the vehicle and its occupants prior to the event (Basir paragraph 0011).

Regarding claims 11 and 20, Parnian does not specifically disclose the means for receiving vehicular data describing powertrain management system information, electrical management system information, and chassis management system; and means for storing the set of rules specifying the vehicular data that causes the transfer of the contents of the loop buffer to the memory. However, Basir teaches the means for receiving vehicular data describing powertrain management system information (paragraph 0034, Basir discloses the data capture module ascertains the engine diagnostics and parameters and transmission status that must include powertrain data), electrical management system information (paragraph 0034, Basir discloses ascertaining "status lights"), and chassis management system (paragraph 0034, Basir discloses ascertaining airbag data); and means for storing the set of rules specifying the vehicular data that causes the transfer of the contents of the loop buffer to the memory (paragraph 0037-0038, Basir discloses that vehicular events and statistics are captured by the data capture module for storing a set of rules or conditions so as to permit for later retrieval of the captured data by later transferring the contents of the loop buffer;

paragraph 0040-0041, Basir discloses that the occurrence of the "eccentric event" is the

"rule" used for determining whether the contents of the loop buffer should be transferred

to provide the video data preceding the event, when the "eccentric event" is triggered,

then the "rule" is satisfied). Therefore, it would have been obvious to one of ordinary

skill in the art to combine the teachings of Parnian and Basir, as a whole, for permitting

the accurately capture the video data and conditions, as obtained by various sensors, of

the event and maintain a complete record of the vehicle and its occupants prior to the

event (Basir paragraph 0011).

Regarding claim 18, Parnian discloses further comprising transferring audio data

of the event (col.15, ln.1-5, element 103 of fig.3 is the audio database for storing audio

data captured by microphone, as disclosed in col.10, ln.58, thus, the captured audio

data of the event is transferred for storage onto element 103).

Double Patenting

1.   The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees.   A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).
          A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.
          Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2.   Claims 1-3, 5, 6, 8, 11-17 and 20 are provisionally rejected on the ground of

nonstatutory double patenting over claims 1 and 3-7 of copending Application No.

10/674,995 in view of Basir (US 2003/0154009). This is a provisional double patenting

rejection since the conflicting claims have not yet been patented.

The subject matter claimed in the instant application is fully disclosed in the

referenced copending application and would be covered by any patent granted on that

copending application since the referenced copending application and the instant

application are claiming common subject matter, as follows: Claim 1 of Application No.

10/674,995 discloses "storing in memory...video data... a series of frames...", and claim

12 of the present invention discloses "storing video data...in memory... series of picture

frames". Similarly, Claim 1 of Application No. 10/674,995 and claim 12 of the present

invention discloses "storing...video data... in a loop buffer". Also, claim 1 of Application

No. 10/674,995 discloses "storing a set of rules... causes a transfer of a contents of the

loop buffer to the memory", and claim 12 of the present invention discloses "applying a

set of rules to transfer the contents of the loop buffer to the memory". Although applying

a set of rules is different from storing a set of rules, however, one of ordinary skill in the

art needs to store a set of rules before one of ordinary skill in the art can apply a set of

rules, otherwise, the set of rules cannot be implemented if the set of rules is not

previously stored. Also, claim 1 of Application No. 10/674,995 discloses "when... data

satisfies a rule... then transferring the contents of the loop buffer to the memory to

provide... video data preceding the event", and claim 12 of the present invention

discloses "when a rule is satisfied, then transferring the contents of the loop buffer to the

memory to provide video data that precedes the event". Also, claim 1 of Application No.

10/674,995 discloses "tagging... the time-delayed video data with metadata describing

the rule that caused the contents of the loop buffer to be transferred to the memory",

and claim 12 of the present invention discloses "tagging the preceding video data with

metadata describing the role that caused the contents of the loop buffer to be

transferred to the memory".

Although the claim 1 of 10/674,995 application and claim 12 of the present

invention are not exact as application No. 10/674,995 discloses audio and video, it

would have been obvious to modify the application No. 10/674,995 to exclude the audio

data and only process the video for arriving at the present invention.

Application 10/674,995 does not specifically disclose "the loop buffer storing the

video data for a predetermined duration of time, after which the video data is transferred

or discarded" and "when the processor determines that the event does not satisfy the

set of rules, then the processor discards the contents of the loop buffer". However,

Basir teaches the loop buffer storing the video data for a predetermined duration of

time, after which the video data is transferred or discarded (paragraph 0030, Basir

discloses the use of a circular buffer or a loop buffer for storing video data for

circuitously recording the latest video data by overwriting the oldest data, thus, data is

stored for a predetermined period of time after which the data is transferred or

discarded), and when the processor determines that the event does not satisfy the set

of rules, then the processor discards the contents of the loop buffer (paragraph 0036,

Basir discloses that the occurrence of the "eccentric event" is the "rule" used for

determining whether the contents of the loop buffer should be transferred to provide the

video data preceding the event, so the converse is true, if the "rules" do not satisfy the

conditions set out, ie. unsatisfied, then the data is temporarily stored in the circular or

loop buffer, meaning that the oldest contents data is replaced or discarded with the

newest data recorded onto the circular or loop buffer).

Therefore, it would have been obvious to one of ordinary skill in the art to

combine the teachings of Parnian and Basir, as a whole, for permitting the accurately

capture the video data and conditions, as obtained by various sensors, of the event and

maintain a complete record of the vehicle and its occupants prior to the event (Basir

paragraph 0011).

Since claim 1 of the present invention is similar to claim 12 of the present

invention, then claim 1 of the present invention is also provisionally rejected on the

ground of nonstatutory double patenting over claim 1 of copending Application No.

10/674,995 in view of Basir (US 2003/0154009) for similar reasons as stated above for

claim 12 of the present invention.

Both claim 3 of Application No. 10/674,995 and claim 13 of the present invention

disclose "transferring the contents of the loop buffer to a mass storage".

Both claim 4 of Application No. 10/674,995 and claim 14 of the present invention

disclose "transferring the contents of the loop buffer to an optical storage device".

Both claim 5 of Application No. 10/674,995 and claim 15 of the present invention

disclose "transferring the contents of the loop buffer to a flash memory storage device".

Both claim 6 of Application No. 10/674,995 and claim 16 of the present invention

disclose "…contents of the loop buffer via a communications network".

Claim 7 of Application No. 10/674,995 disclose "a switch" to transfer contents.

Claim 17 of the present invention disclose "a switch to transfer video data".

Similarly, claim 2 of the present invention is analyzed and met for the same

reasons as claim 13 of the present invention.

Claim 3 of the present invention is analyzed and met for the same reasons as

claim 14 of the present invention.

Claim 5 of the present invention is analyzed and met for the same reasons as

claim 15 of the present invention.

Claim 6 of the present invention is analyzed and met for the same reasons as

claim 16 of the present invention.

Claim 8 of the present invention is analyzed and met for the same reasons as

claim 17 of the present invention.

Claims 11 and 20 of the present invention disclose "receiving vehicular data

describing powertrain management system information, electrical management system

information, and chassis management system" and "storing the set of rules specifying

the vehicular data that causes the transfer of the contents of the loop buffer to the

memory". Claim 1 of Application No. 10/674,995 disclose "receiving vehicular data

describing powertrain management system information, electrical management system

information, and chassis management system" and "storing a set of rules specifying the

vehicular data that causes a transfer of a contents of the loop buffer to the memory".

Thus, claim 1 of US '995 application meets the limitations of claims 11 and 20 of the

present invention.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Allen Wong whose telephone number is (571) 272-7341. The examiner can normally be reached on Mondays to Thursdays from 8am-6pm Flextime.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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6/27/08